

A RESOLUTION

25-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2024

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, section 28-3814 of the District of Columbia Official Code to provide a definition of the term public utility and to ensure that public utilities can continue to engage in certain practices related to customer contact and posting of notices for disconnection of service pursuant to Title 15, Chapter 3 of the D.C. Municipal Regulations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Protecting Consumers from Unjust Debt Collection Practices Technical Clarification Amendment Emergency Declaration Resolution of 2024”.

Sec. 2. (a) The Protecting Consumers from Unjust Debt Collection Practices Amendment Act of 2021, effective August 27, 2022 (D.C. Law 24-154; 69 DCR 8352), became applicable on January 1, 2023.

(b) Public utilities are subject to the requirements of the law when attempting to collect consumer debt. Some of the requirements in the law conflict with existing requirements applicable to public utilities in Chapter 3 of Title 15 of the District of Columbia Municipal Regulations. Specifically, the law conflicts with current requirements in the following circumstances:

(1) D.C. Official Code § 28-3814(d)(5) prohibits debt collectors from “visiting or threatening to visit the household of a consumer at any time for the purpose of collecting a debt, other than for the purpose of serving process in a lawsuit.” Pursuant to 15 DCMR § 312.2, however, utilities are required to make reasonable efforts to contact a customer prior to disconnection, and this contact may include in-person notification. In-person notification may be necessary when a utility is unable to reach the customer via phone or electronic mail.

(2) D.C. Official Code § 28-3814(e)(2) prohibits debt collectors from disclosing, publishing, or communicating information related to a consumer debt to a relative, family member, friend, or neighbor except in limited circumstances. 15 DCMR § 312 and 15 DCMR § 314 require utilities to post a notice of disconnection in a location “reasonably calculated to be seen by Persons residing on the premises...” The notice must include the reason for the

disconnection, which could lead to family, friends, or other individuals knowing about the customer's debt in violation of the law.

(3) D.C. Official Code § 28-3814(n)(1) requires debt collectors to provide a written copy of a payment agreement within 7 days of entering into the agreement. 15 DCMR § 306 requires utilities that enter into a deferred payment agreement with a customer to provide the information in writing within 10 business days.

(c) To avoid confusion or negative impacts on customers or utilities, it is necessary to clarify that current regulatory requirements for utilities described in paragraphs (1) through (3) of subsection (b) of this section are permitted under the debt collection law.

(d) Identical legislation was enacted on an emergency and temporary basis in 2023, but the temporary version, the Protecting Consumers from Unjust Debt Collection Practices Technical Clarification Temporary Amendment Act of 2023, effective May 25, 2023 (D.C. Law 25-5; 70 DCR 3836), expired on January 5, 2024. A new round of emergency and temporary legislation is necessary until the provision can be enacted on a permanent basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Protecting Consumers from Unjust Debt Collection Practices Technical Clarification Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.